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HOUSE BILL 2837

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State of Washington

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**By** Representatives Clibborn, Cody, Eddy, Kenney, Dickerson, Kessler, Nelson, Darneille, Goodman, Chase, Pedersen, Dunshee, Appleton, White, Jacks, Kagi, Springer, Pettigrew, Maxwell, Ericks, Moeller, Van De Wege, Hunt, Rolfes, Flannigan, and Simpson

Read first time 01/14/10. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to limited service pregnancy centers; and adding a  
2 new chapter to Title 70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Seeking or obtaining health care is fundamental to public  
6 health and safety;

7 (b) Health care information is personal and sensitive information  
8 that if improperly used, released, or withheld from a patient may do  
9 significant harm to a patient's interests in privacy, health care, or  
10 other interests;

11 (c) The provision of medically inaccurate information may harm  
12 individual access to needed health care and jeopardizes the public  
13 health and consumer protection; and

14 (d) Some limited service pregnancy centers have misled people about  
15 the nature of their services, have provided medically inaccurate  
16 information about reproductive health, and have withheld health care  
17 records, including the results of pregnancy tests, from individuals  
18 seeking services.

1 (2) It is the intent of the legislature that limited service  
2 pregnancy centers operating in Washington state provide truthful  
3 information about their services, ensure that any reproductive health  
4 information provided is medically accurate, and maintain the privacy of  
5 and respect a person's right to his or her health care information.

6 NEW SECTION. **Sec. 2.** As used in this chapter:

7 (1) "Comprehensive birth control services" means the provision of  
8 nondirective counseling on methods and efficacy of contraception, the  
9 prescription of contraceptive drugs or devices, the provision of  
10 contraceptive drugs or devices, and medical diagnosis and care related  
11 to the prescription or provision of contraceptive drugs or devices.

12 (2) "Limited service pregnancy center" means an organization that  
13 advertises, offers, or provides pregnancy tests or ultrasounds, and  
14 information about adoption or abortion, whether for a fee or as a free  
15 service, but does not provide any of the following: Prenatal medical  
16 care, comprehensive birth control services, abortion or referrals for  
17 abortion. "Limited service pregnancy center" does not include health  
18 care entities licensed under Title 18 RCW, hospitals and entities  
19 licensed under Title 70 RCW, family planning clinics under contract  
20 with the department of health or the department of social and health  
21 services to provide family planning services, family planning clinics  
22 receiving federal Title X funds, or health care providers licensed  
23 under Title 18 RCW. A limited service pregnancy center remains subject  
24 to the provisions of this chapter notwithstanding the presence of a  
25 licensed health care provider in the governance of, on the staff of, or  
26 acting as a volunteer with the limited service pregnancy center.

27 (3) "Health care information" has the same meaning as in RCW  
28 70.02.010(7).

29 (4) "Medically and scientifically accurate" has the same meaning as  
30 in RCW 28A.300.475(2).

31 (5) "Reproductive health information" means information about: (a)  
32 The medical risks of pregnancy, abortion, miscarriage, and sexually  
33 transmitted infections; and (b) methods of prevention of pregnancy and  
34 sexually transmitted infections.

35 NEW SECTION. **Sec. 3.** (1) A limited service pregnancy center shall  
36 make the following disclosures to a person seeking services:

1 (a) That the center does not provide abortion or comprehensive  
2 birth control services;

3 (b) That the center does not provide referrals to individuals or  
4 organizations that provide abortion or comprehensive birth control  
5 services; and

6 (c) That the center does not provide medical care for pregnant  
7 women.

8 (2) The disclosure required by subsection (1) of this section must  
9 be provided as follows:

10 (a) Verbally, in such a manner as to be reasonably understandable  
11 to the person seeking services, upon first communication or first  
12 contact with a person seeking services, whether by telephone,  
13 electronic communication, or in person; and

14 (b) In writing, as follows:

15 (i) In English and in Spanish, in thirty-point font size or larger,  
16 on eight and one-half inch by eleven inch paper or larger, posted (A)  
17 on the main entry door of the organization and (B) inside the building  
18 housing the organization in such a manner as to be clearly visible from  
19 the area at which the organization conducts intakes; and

20 (ii) In English and in Spanish, clearly visible on the home page of  
21 the organization's web site, in the primary font size used on the web  
22 site; and

23 (iii) In any advertisement or notice promoting the center's  
24 services.

25 (3) A limited service pregnancy center shall, before providing a  
26 pregnancy test that uses an over-the-counter product to perform the  
27 pregnancy test, inform the person seeking to be tested that the  
28 pregnancy test is an over-the-counter product and shall give the test  
29 kit to the person seeking to be tested to self-administer.

30 NEW SECTION. **Sec. 4.** All reproductive health information provided  
31 by a limited service pregnancy center, whether provided orally or in  
32 writing, must be medically and scientifically accurate.

33 NEW SECTION. **Sec. 5.** (1) A limited service pregnancy center that  
34 collects health care information from a person seeking or receiving its  
35 services shall not disclose health care information about that person

1 to any other person, entity, or organization without the service  
2 recipient's written authorization. A disclosure made under a service  
3 recipient's written authorization must conform to the authorization.

4 (2) To be valid, a service recipient's authorization shall conform  
5 to the requirements of RCW 70.02.030(3).

6 (3) A limited service pregnancy center that provides or assists in  
7 the provision of pregnancy testing, whether for a fee or without  
8 charge, whether those tests are over-the-counter or laboratory tests,  
9 shall provide the person tested with a free written statement of the  
10 results of the pregnancy test immediately after the test is completed.

11 (4) Upon receipt of a written request from a service recipient to  
12 examine or copy all or part of the recipient's recorded health care  
13 information, a limited service pregnancy center, as promptly as  
14 required under the circumstances, but no later than fifteen working  
15 days after receiving the request shall:

16 (a) Make the information available for examination during regular  
17 business hours and provide a free copy to the service recipient, if  
18 requested;

19 (b) Inform the service recipient if the information does not exist  
20 or cannot be found; and

21 (c) If the limited service pregnancy center does not maintain a  
22 record of the information, inform the service recipient and provide the  
23 name and address, if known, of the entity that maintains the record.

24 NEW SECTION. **Sec. 6.** The legislature finds that the practices  
25 covered by this chapter are matters vitally affecting the public  
26 interest for the purpose of applying the consumer protection act,  
27 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
28 relation to the development and preservation of business and is an  
29 unfair or deceptive act in trade or commerce and an unfair method of  
30 competition for the purpose of applying the consumer protection act,  
31 chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are  
32 cumulative and not exclusive.

33 NEW SECTION. **Sec. 7.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 8.**   Sections 1 through 6 of this act constitute  
2   a new chapter in Title 70 RCW.

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